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JUL 27 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Patent Application of:

Inventor(s) : Michael Giffin, et al.  
Filed : 6/23/2001  
Serial No. : 09/891,005  
Confirmation No. : 9424  
Group Art Unit : 2141  
Examiner : Nguyen, Quang N.  
Docket Number : SNY-P4260  
Title : Wireless Streaming Audio System

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING / FAX TRANSMISSION**

I hereby certify that this correspondence is, on the date shown below, being:

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Applicant, Assignee or Reg. Representative: Jerry A. Miller, Reg. No. 30779

Signature: /Jerry A. Miller 30779/ Date: July 27, 2006

**TELEPHONE INTERVIEW SUMMARY**

Sir:

This is to document the telephone conversation with Examiner Nguyen on this date (7/27/2006) at approximately 1:30PM. Mr. Nguyen confirmed to the undersigned that the finality of the final rejection of 6/262006 is in fact premature and will therefore be treated as a non-final rejection. The undersigned is re-docketing this matter accordingly.

In this conversation, the undersigned further pointed out that the Milton reference is only viable prior art for what is disclosed in the provisional, without regard for whether the utility application indicates priority to the provisional. Since the provisional explicitly teaches away from certain claim features, it clearly teaches away from the proposed combination, and thus the rejection is improper.

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The undersigned further emphasized to Examiner Nguyen that this is a sixth office action and that a conclusion of prosecution of this matter is long overdue. The undersigned reiterated the offer to assist in coming to a resolution of this case by way of a telephone interview after the Examiner has had an opportunity to review the response filed to the Office Action.

Respectfully submitted,

/Jerry A. Miller 30779/

Jerry A. Miller  
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Dated: July 27, 2006

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